

IN RE: PETITION FOR ADMINISTRATIVE
ZONING VARIANCE
W/S Long Green Pike, 275 ft. +/-
S of c/l Glen Arm Road
12032 Long Green Pike
11th Election District
6th Councilmanic District
Gary R. Hoffman, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-269-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 16 ft. in lieu of the required 50 ft., for enclosure of an existing patio, as more particularly described on Petitioners' Exhibit 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of March, 1993 that the Petition for a Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 16 ft., in lieu of the required 50 ft., for enclosure of an existing patio, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 16, 1993

Mr. and Mrs. Gary R. Hoffman
12032 Long Green Pike
Glen Arm, Maryland 21057

RE: Petition for Administrative Zoning Variance
Case No. 93-269-A
12032 Long Green Pike

Dear Mr. and Mrs. Hoffman:

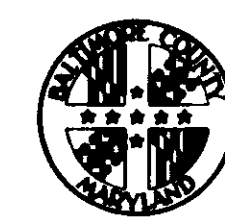
Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3991.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES/mm
encl.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 12032 Long Green Pike
which is presently zoned RS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.3 to permit a side yard setback of 16 feet in lieu of the required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):
To enclose the existing patio would violate the 50 foot setback requirement. The existing patio has a 16 foot setback.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person/Lease

(Type or Print Name)

Signature

Address

City

State

Zipcode

Signature

Address

City

State

Zipcode

When do you presently reside and after, under the penalty of perjury that you are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Gary R. Hoffman

(Type or Print Name)

Signature

Address

City

State

Zipcode

Signature

Address

City

State

Zipcode

REVIEWED BY: RT DATE: 2-12-93

ESTIMATED POSTING DATE: 2-28-93

ITEM #: 281

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 12032 Long Green Pike
Glen Arm, MD 21057
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (include location or parcel number)

We would like to enclose our existing patio, but to do so would violate the required 50 feet setback for a side yard. We presently have a 16 feet side yard setback.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Barbara Ann Patton Hoffman
Gary R. Hoffman

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, on 3rd day of February, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

Gary R. Hoffman + Barbara Ann Patton Hoffman

(the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief)

AS WITNESS my hand and Notarial Seal.

February 3, 1993

My Commission Expires: 10-9

ZONING DESCRIPTION FOR 12032 LONG GREEN PIKE

Beginning at a point on the west side of Long Green Pike, which is 30 feet wide, at the distance of 275 feet south from the centerline of Glen Arm Road. Thence:

- 1) Southwesterly - 82'
- 2) Northwesterly - 219.11'
- 3) Northeasterly - 95.59'
- 4) Southeasterly - 200.19'

to the beginning point as recorded in deed liber 4249, containing .413 acres, also known as 12032 Long Green Pike, and located in the 11th election district.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th
Posted for: 14 days
Petitioner: Gary + Barbara Hoffman
Location of property: W/S Long Green Pike, 275' S of Glen Arm Rd
12032 Long Green Pike
Location of Sign: Gary R. Hoffman, et ux, property of R.H. Hoffman
Remarks:
Posted by: [Signature]
Number of Signs: 1
Date of Posting: 2/24/93
Date of return: 3/5/93

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6190
Number

2/12/93
PUBLIC HEARING FEE \$50.00
010 ZONING VARIANCE (10%) \$35.00
030 POSTING SIGNS - OVERPOSTING \$85.00
LAST NAME OF OWNER: HOFFMAN
TOTAL: \$170.00

040480047N1CHNC
BA C01015BA02-12-93
Please Make Checks Payable To: Baltimore County

receipt

\$85.00

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 5, 1993

Mr. and Mrs. Gary R. Hoffman
12032 Long Green Pike
Glen Arm, MD 21057

RE: Case No. 93-269-A, Item No. 281
Petitioner: Gary R. Hoffman, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Hoffman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on February 12, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY **93-269-A**
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200' ±	LOCATION GLEN ARM	SHEET N.E. 15-F
DATE OF PHOTOGRAPHY JANUARY 1986		